
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 2186 **Hearing Date:** July 2, 2024
Author: Wallis
Version: June 6, 2024
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Vehicles: impoundment*

HISTORY

Source: Assemblymember Vince Fong

Prior Legislation: AB 74 (Muratsuchi) Failed Assm. Trans. 2023
AB 822 (Alanis) not heard ACoPS 2023
AB 2000 (Gabriel) Chapter 436, Stats. 2022
AB 3 (Fong) Chapter 106, Stats. 2021
AB 410 (Nazarian) failed Assem. Public Safety 2019
SB 699 (Galgiani) amended out in Assembly 2017
SB 67 (Perata) Chapter 727, Stats. 2007
AB 1325 (Vargas) Chapter 475, Stats. 2005
SB 1541 (Margett) Chapter 595, Stats. 2004
AB 985 (Vargas) - failed Senate Public Safety 2004
AB 1341 (Para) - 6/9/04 version, failed Sen Public Safety 2004
AB 2440 (Shirley Horton) - held Assembly Appropriations 2004
SB 1489 (Perata) Chapter 411, Stats. 2002
SB 2087 (Soto) - died on inactive file Senate Floor 2002
AB 2288 (Aguiar) Chapter 884, Stats. 1996
SB 833 Chapter 922, Stats. 1995
SB 1738 Chapter 1221, Stats. 1994
AB 5 Chapter 3, Stats. 1959

Support: California Association of Highway Patrolmen; City of Bakersfield; Peace Officers
Research Association of California (PORAC)

Opposition: None known

Assembly Floor Vote: 71 - 0

PURPOSE

The purpose of the bill is to allow a peace officer to remove and seize a motor vehicle used in an exhibition of speed in an offstreet parking facility for no more than 30 days.

Existing law provides that a person shall not engage in an exhibition of speed on a highway or in an offstreet parking facility. (Vehicle Code § 23109)

Existing law defines “exhibition of speed” as accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. (*People v. Grier* (1964) 226 Cal.App.2d 360, 364.)

Existing law defines “speed contest” as a motor vehicle race against another vehicle, a clock, or other timing device. (Vehicle Code § 23109)

Existing law provides that a person shall not engage in a speed contest on a highway or in an offstreet parking facility. (Vehicle Code § 23109)

Existing law allows a peace officer to immediately arrest and take into custody a person engaged in a motor vehicle exhibition of speed on highway, and to remove and impound the vehicle used in the offense for up to 30 days. (Vehicle Code § 23109.2)

Existing law authorizes a peace officer to impound a vehicle for a period not to exceed 30 days upon the order of a magistrate for fleeing a peace officer or for reckless driving. (Vehicle Code § 14602.7)

Existing law requires the impounding agency to notify the legal owner of the vehicle within two working days of the impoundment by certified mail at the address provided by the Department of Motor Vehicles. (Vehicle Code § 14602.7)

Existing law provides that failure to notify the legal owner of the impoundment shall result in the impounding agency from charging for more than 15 days of the impoundment when the legal owner redeems the impounded vehicle. (Vehicle Code § 14602.7)

Existing law requires the impounding agency to release the vehicle to the registered owner if the vehicle was stolen, the vehicle was subject to bailment and was driven by an employee of the business, or the peace officer reasonably believes that the registered owner was not the driver who fled the police. (Vehicle Code § 14602.7)

Existing law provides that a vehicle shall not be released without a currently valid driver’s license to operate the vehicle and proof of current vehicle registration, or upon order of the court. (Vehicle Code § 14602.7)

Existing law provides the opportunity for the owner of the vehicle to contest the impoundment in a poststorage hearing to determine the validity of the storage. (Vehicle Code § 14602.7)

Existing law authorizes the magistrate to release the vehicle if the continued impoundment will cause undue hardship to persons dependent upon the vehicle for employment or to a person with a community property interest in the vehicle. (Vehicle Code § 14602.7)

Existing law authorizes a vehicle to be released before the impoundment period is over if the legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation or other licensed financial institution if they pay the costs of the towing and storage. (Vehicle Code § 14602.7)

This bill expands the ability to seize a motor vehicle of a person engaged in an exhibition of speed that occurs in an offstreet parking facility.

COMMENTS

1. Need for This Bill

According to the author:

Sideshows are a repeated threat to public safety in California. These illegal and reckless activities draw crowds and often result in serious injuries and fatalities. AB 2186 expands on AB 3 (Vince Fong, 2021) and AB 2000 (Gabriel & Vince Fong, 2022) to ensure that law enforcement has the same tools to impound vehicles involved in sideshows in parking lots and roadways alike. AB 2186 strengthens existing public safety laws on illegal sideshows in order to keep our streets and communities safe.

2. Seizing of vehicles in exhibition of speed

Individuals who participate in a sideshow can be charged with engaging in a motor vehicle exhibition of speed on a highway, which has been interpreted by the courts to include the acts of burning or squealing tires -allowing them to lose traction, performing wheelies, or revving an engine or hitting the gas too quickly after running a light.

One of the common charges brought against individuals participating in a sideshow is engaging in a motor vehicle exhibition of speed on a highway. This section has been interpreted by the courts to include the act of burning or squealing tires allowing them to lose traction, or performing a “wheelie” on a motorcycle. A motor vehicle exhibition of speed could be as minor as revving an engine or hitting the gas too quickly after running a light.

In 2021, the Legislature passed AB 3 (Fong), Chapter 611 which provided the ability to suspend a person’s driver’s license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow. The bill defined in statute a sideshow as an event in which two or more persons block or impede traffic on a highway, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

Existing law permits law enforcement to remove vehicles engaged in a motor vehicle speed contest or exhibition of speed on a highway without a warrant. In 2022, the Legislature passed AB 2000 (Gabriel) Chapter 436, expanded the crime of motor vehicle exhibition of speed to include offstreet parking facilities.

This bill expands the ability of an officer to seize and impound a vehicle for up to 30 days if an exhibition of speed occurs in an offstreet parking facility.

3. Argument in Support

California Association of Highway Patrolman support this bill stating:

Current law allows a peace officer to arrest a person and seize the motor vehicle of the person if a peace officer determines that the person was engaged in a motor vehicle speed contest, reckless driving, or an exhibition of speed on a highway. Current law allows a vehicle seized under this provision to be impounded for up to

30 days. This bill would expand this provision to include an exhibition of speed that occurs in an off-street parking facility.

Exhibitions of speed are incredibly dangerous and often have deadly consequences. It is crucial for California to allow peace officers to arrest individuals participating in exhibitions of speed that occur on an off-street parking facility, in order to keep people safe.

-- END --